

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN EARL JOHNSON,

Plaintiff,

vs

9:04-CV-57

JOSEPH GUIFFERE and JOHN PECORA,
Administrator,

Defendants.

APPEARANCES:

OF COUNSEL:

JOHN EARL JOHNSON
Plaintiff, Pro Se
PO Box 703
Albany, NY 12201

DONOHUE SABO
Attorneys for Defendant Guiffere
24 Aviation Road
PO Box 15056
Albany, NY 12212-5056

FRED HUTCHISON, ESQ.
KENNETH G. VARLELY, ESQ.

DAVID N. HURD
United States District Judge

ORDER

Plaintiff, John Earl Johnson, brought this civil rights action pursuant to 42 U.S.C. § 1983. In a Report Recommendation dated August 10, 2007, the Honorable David E. Peebles, United States Magistrate Judge, recommended that the defendant Sergeant Guiffere's motion for summary judgment be granted and the plaintiff's complaint be dismissed in all respects, with prejudice regarding defendant Guiffere, but without prejudice as to defendant Pecora. Objections to the Report Recommendation have been filed by the plaintiff.

Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

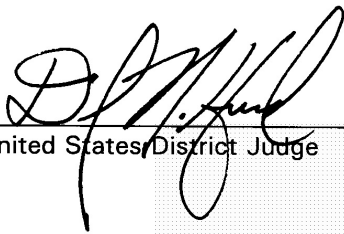
Accordingly, it is

ORDERED that

1. The defendant Sergeant Guiffere's motion for summary judgment is GRANTED;
2. The complaint is DISMISSED in all respects, with prejudice with regard to defendant Guiffere;
3. The complaint is DISMISSED in all respects, without prejudice as to defendant Pecora; and
4. The Clerk shall file judgment accordingly.

IT IS SO ORDERED.

Dated: October 17, 2007
Utica, New York.


United States District Judge